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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,014	04/28/2005	Thomas Bosselmann	2002P12570W0US	1667

28524 7590 08/21/2008  
SIEMENS CORPORATION  
INTELLECTUAL PROPERTY DEPARTMENT  
170 WOOD AVENUE SOUTH  
ISELIN, NJ 08830

EXAMINER
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VALONE, THOMAS F

ART UNIT	PAPER NUMBER
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2831

MAIL DATE	DELIVERY MODE
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08/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/533,014	<b>Applicant(s)</b> BOSSELMANN ET AL.	
	<b>Examiner</b> THOMAS F. VALONE	<b>Art Unit</b> 2831	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 01 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 21-25 and 27-41.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

/Diego Gutierrez/  
 Supervisory Patent Examiner, Art Unit 2831

/T. F. V./  
 Patent Examiner, Art Unit 2831

Continuation of 11. does NOT place the application in condition for allowance because: Is is noted that no amended claims have been submitted with the after final Remarks. The arguments begin with a misinterpretation of the final Office Action alleging that the Office acknowledges the combination of Ding and Strangman fails to teach a measuring element operating in the kilohertz range for measuring an electric field strength set up by the charge distribution of the rotor blades or guide vanes. Instead, the Office Action clearly indicates that Ding teaches a rotor blade measuring element for electric charge distribution (Fig. 3-5 and col. 4, line 5-15) besides explicitly operating in the kilohertz frequency range (col. 2, line 26). Furthermore, Ding explicitly teaches a charge amplifier (8, col. 3, line 60) which is connected to a "charge-to-voltage conversion" which reads on the claims 21 and 41 that are being argued to claim the measuring of an electric field of magnetic field strength set up by a charge distribution. As noted in the Office Action, Ding further teaches the monitoring of the amplitude height of the electric field, which is the same signal parameter as the "strength" that is claimed, as well as the deviation from a threshold value for clearance control (col. 8, line 55-67), which is the same intended use as claimed. In fact, Ding further uses an insulating coating (Teflon, col. 6, line 45-55) and is addresses the wear of the insulating layer (33, col. 7, line 5), which accomplishes the same insulation function that coating of the blades would achieve electrically. Furthermore, since Ding measures the same broadly claimed electric field strength (Fig. 2) as in claims 21 and 41 for the purpose of determining a change in rotor blade clearance, which meets the broadly claimed "deviation from a threshold" of a broadly claimed signal, the argument concerning an interpretation of the change in clearance as "wear" or "defect" seems superfluous, when the exact functional relationship between the measuring elements is found in the prior art.

The applicant's further argument concerning ion detection does not seem to be a relevant argument pertaining to the primary reference Ding as noted above. However, the electrical circuit design of a charge amplifier and an ion current amplifier are very similar for measurement of electric field strength, to one of ordinary skill in the art, while neither one is specifically claimed over the other by the applicant. The further argument regarding the measurement of capacitance in the the Ding reference is also not persuasive since the applicant also admits to providing a capacitive measuring element as well (instant disclosure, p. 11, par. 46), showing the commonality of the two electric field measuring elements.

Regarding the argument concerning the combination of references that render the claimed invention obvious, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, the citation of Deegan provides the claimed interpretation of an electrically measured change in clearance, while Strangman proves that alternatively applying an electrically insulating coating on the blade surface instead of on the housing as Ding has already been invented in the prior art.

The further arguments concerning the IEEE Interharmonic Task Force reference do not address specific details which distinguish it from the claimed invention.